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**MASSACHUSETTS BOARD OF REGISTRATION OF PSYCHOLOGISTS
POLICY BULLETIN REGARDING APPLICANTS WITH
CRIMINAL CONVICTIONS OR PENDING CRIMINAL CHARGES**

The Board of Registration of Psychologists voted on March 11, 2022 to adopt the following policy guidelines for applicants who have a criminal conviction or a pending criminal charge.

Purpose:

To be eligible for licensure as a psychologist, an applicant must furnish evidence satisfactory to the Board that the applicant is of “good moral character.” M.G.L. c. 112, s. 119(a). Conduct that results in a criminal conviction or a pending charge against an applicant raises questions regarding the applicant’s good moral character and thus requires careful consideration by the Board.

Pursuant to Chapter 69 of the Acts of 2018 (An Act Relative to Criminal Justice Reform), the Board is required to provide “a list of the specific criminal convictions that are directly related to the duties and responsibilities for the licensed occupation that would disqualify an applicant from eligibility for a license.” The Board has determined that no type of conviction, on its own, automatically disqualifies an applicant from obtaining a psychology license. However, relevant factors, such as the nature of the conviction, the age of the conviction, the applicant’s history of other criminal convictions, or the involvement of aggravating factors (such as a crime being caused by substance abuse issues, the crime being part of a pattern of violence, the matter leading to a level 3 Sex Offender designation, etc.) might justify denying a license to an otherwise eligible candidate. As a result, any conviction could lead to a license denial. This includes ALL of the crimes listed on the Master Crime List issued by the Massachusetts Sentencing Commission and found at this link:

<https://www.mass.gov/doc/master-crime-list>

This policy provides guidance to applicants and Board staff members regarding conviction and pending criminal charge information that requires further review and/or the applicant’s appearance before the Board to determine eligibility for licensure.

Policy:

The Executive Director and Associate Executive Director are authorized, in conjunction with Board Counsel, to review the records of criminal convictions and pending criminal charges in Criminal Offender Record Information (CORI) received from the Department of Criminal

Justice Information Services (DCJIS) or otherwise made available to the Board to determine whether review or an appearance before the Board is necessary for an applicant who has a record of one or more criminal convictions or pending charges. In determining who must appear before the Board, the Executive Director, Associate Executive Director, and Board Counsel shall act in a manner consistent with the following guidelines.

An applicant must be reviewed by the Board and/or appear at a Board meeting where the applicant has been convicted of a felony or misdemeanor or has a pending criminal charge, except when: (1) the applicant has been convicted of a single misdemeanor, (2) the applicant was convicted five or more years from the date of application, and (3) the misdemeanor conviction is for a motor vehicle offense, including operating under the influence of alcohol or drugs, that did not involve injury to another person or the loss of life. In addition, the Executive Director, Associate Executive Director, and/or Board Counsel may require Board review and/or an appearance before the Board of an applicant whose record contains the above-described conviction should the Executive Director, Associate Executive Director, or Board Counsel believe that Board review is necessary. In evaluating whether an appearance is necessary, the Executive Director, Associate Executive Director, and Board Counsel will consider multiple factors, including but not limited to, whether the applicant has been convicted of an offense that involved fraud, dishonesty or deceit or an offense that calls into question the applicant's ability to practice his or her profession with a reasonable degree of skill and safety and in accordance with accepted standards of sound professional practice.

Factors that the Board considers in determining an applicant's suitability for licensure may include, but not be limited to the following:

- (a) the requirements of public protection, as determined by the Board;
- (b) the relationship between practicing as a psychologist and public protection;
- (c) the time since the conviction;
- (d) the age of the applicant at the time of the offense(s);
- (e) the seriousness and specific circumstances of the offense(s);
- (f) the number of offenses;
- (g) whether the applicant has pending charges;
- (h) any relevant evidence of rehabilitation or lack thereof;
- (i) the submission of false information on an application for licensure and/or failure to provide required notification of new information;
- (j) any other relevant information, including information submitted by the applicant or requested by the Board.

If the Board reviews an applicant and/or requires an appearance by the applicant under this policy, the applicant shall be provided with a copy of this policy, a copy of the CORI, and a copy of DCJIS's Information Concerning the Process for Correcting a Criminal Record. If the applicant believes the CORI to be inaccurate, the applicant must be provided with an opportunity to dispute the accuracy of the CORI.

The applicant will be notified in a timely manner of the Board's decision regarding the applicant's suitability for licensure, the basis for that decision, and any hearing rights.